



## ADMINISTRATIVE POLICIES AND PROCEDURES

**Policy ID:** Human Resources  
**Subject:** Rehire of Retired Individuals  
**Creation Date:** February 27, 2013  
**Revision Date:**  
**Prepared By:** Human Resources Department  
**Approved By:** City Manager  
**Legal Review:** Elizabeth Ruhmann

### **DESCRIPTION: Rehire of Retired Individuals Policy**

#### **I. Policy:**

Individuals who have retired from the City Employees' Pension Fund or El Paso Firemen & Policemen's Pension Fund may be eligible for re-hire into a City of El Paso unclassified position in accordance with this policy and any established policy of the City Employees' Pension Fund and El Paso Firemen & Policemen's Pension Fund.

#### **II. Definitions:**

- A. **Retired Individual:** An individual who has retired from the City Employees' Pension Fund or El Paso Firemen & Policemen's Pension Fund and is receiving pension payments.
- B. **Bona Fide Retirement/Separation from Employment:** In determining whether a bona fide retirement/separation from employment has occurred, the following factors will be evaluated:
  - i. Whether there was a prior understanding, agreement or expectation that the retiree will be rehired;
  - ii. Whether one (1) year has elapsed from the date of retirement to the date of rehire; and
  - iii. Whether the retiree is seeking to return to the same or similar position held prior to retirement.

#### **III. Procedures:**

- A. **Non-Uniformed:**
  - i. Any individual who has retired from the City Employees' Pension Fund may be eligible for rehire into a City of El Paso unclassified

- position only if the retirement constituted a bona fide separation from employment.
- ii. The individual must meet with a Pension Fund representative to determine if readmission into the Fund is permissible, to include a determination of whether or not the individual meets any necessary IRS tax criteria. Pension Fund authorization must be presented to City's Human Resources Department prior to rehire.
  - iii. An individual shall not be eligible for rehire if there was a prior agreement, expectation, or understanding to rehire the retiree, even if all other criteria allowing for rehire are met. The City's Human Resources Director may request that the individual's former Department Head or supervisor provide certification that there has been no prior understanding to rehire the former employee, if applicable.
  - iv. Pension payments shall cease for any retired individual who is rehired into any City service position that requires mandatory participation in the fund; or for any retired individual who is rehired into any City service position that allows them to elect participation into the fund, and said individual so elects pursuant to Section 2.64.140 of the El Paso City Code, in accordance with Pension Fund policies and procedures, and any amendments thereto.
  - v. If the retired individual wishes to combine service for pension purposes, he or she must contact the Pension office and reimburse the fund in accordance with Pension Fund policies and procedures, and any amendments thereto.
  - vi. Any retired individual who accepts employment with the City is subject to any policies and procedures set forth by the Pension Fund.
  - vii. Any individual who has retired from the City Employees' Pension Fund and was serving in a classified position prior to retirement may not return to service in an unclassified position that is equivalent in title, duties, or the like to the position from which he or she retired.
  - viii. Any individual who has retired from the City Employees' Pension Fund may not return to service in any classified position.

**B. Uniformed:**

- i. Rehire into a City of El Paso unclassified position:
  - a. Any individual who has retired from the El Paso Firemen & Policemen's

Pension Fund may be eligible for hire into a City of El Paso unclassified position only if the retirement constituted a bona fide separation from employment, which includes a one (1) year break in service.

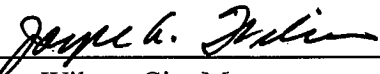
- b. Pension payments shall continue for any individual who has retired from the El Paso Firemen & Policemen's Pension Fund and who is hired into unclassified City service in accordance with said Pension Fund policies and procedures, and any amendments thereto.
- c. Any retired individual who accepts employment with the City is subject to any policies and procedures set forth by the Pension Fund.
- d. Any individual who has retired from the El Paso Firemen & Policemen's Pension Fund may not return to service in an unclassified position that is equivalent in title, duties, or the like to the position from which he or she retired.
- e. Any individual who has retired from the El Paso Firemen & Policemen's Pension Fund and is receiving a distribution may not return to service in any classified position.
- f. Subject to the needs of the City, unclassified positions requiring specialized skills or skills in short supply may be hired after at least a six (6) month break in service with approval of the City Manager or designee.

ii. Rehire into a City of El Paso uniformed position:

- a. Any individual who has retired from the El Paso Firemen & Policemen's Pension Fund may be eligible for re-hire into a City of El Paso uniformed position without any wait time.
- b. Pension payments shall be suspended for any individual who has retired from the El Paso Firemen & Policemen's Pension Fund and who is rehired into City uniformed service in accordance with said Pension Fund policies and procedures, and any amendments thereto.

- c. Any retired individual who accepts employment with the City is subject to any policies and procedures set forth by the Pension Fund and any amendments thereto.

APPROVED BY:

  
Joyce Wilson, City Manager

2.28.13  
Date